

Equipment & Supplies  
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19 May 1954

MEMORANDUM FOR THE RECORD

SUBJECT: Buy-American Act - Request for Exemptions

1. It is believed that a properly prepared request for exemption from the provisions of the Buy-American Act because of non-availability of supplies and materials from domestic sources should contain the following:

a. The name of the firm from which the foreign supplies are to be procured and the country of their origin.

b. The estimated cost of the procurement.

c. A brief description of the item to be procured, how it operates and what it is to be used for by the requisitioning office. In case of foreign-made equipment of a technical or specialized nature, a more detailed explanation in terms that can be easily understood should be given.

d. To prove the non-availability of domestic supplies it is necessary to point out the features of the foreign-made supplies which are unique, or not obtainable in comparable domestically-made items and which therefore in effect, make the foreign-made item somewhat different from domestically-made items. In short, the need for the supplies of a foreign nature must be clearly spelled out.

e. As a justification for a statement that no suitable domestic substitute exists for the foreign-made item, the precise reasons why the unique and domestically unobtainable features of the foreign-made item are essential for the purpose for which the requisitioning office requires the item, should be pointed out. In other words, the request for exemption should furnish information which establishes that no domestic product will satisfactorily do the job for which the foreign-made product is required.

f. A certification from the requisitioning office to the effect that:

"There is no domestic source of supply for a (name item) with the required characteristics, nor is there a suitable domestic substitute."

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Office of General Counsel